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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MEDESIMO TEMPO LLC, HOLLY JONES,
and HOLLY JONES HOMES, PLLC,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

**UNITED STATES' NOTICE OF NON-
OPPOSITION TO MOTION TO
INTERVENE AND MOTION TO
EXPEDITE**

Case No. 2:22-cv-00648-DBP

Chief Magistrate Judge Dustin B. Pead

This matter was removed from state court on October 7, 2022, following the United States' substitution of itself for defendants Skull Valley Health Care, LLC and Skull Valley Health Clinic, LLC (collectively "SVHC") under the Westfall Act, 28 U.S.C. § 2679(d). The United States substituted because the complaint in this action asserts a tort claim that arose while SVHC was performing under an Indian Self-Determination and Education Assistance Act (ISDEAA) contract. By operation of that ISDEAA contract, SVHC is a deemed federal employee—and entitled to a defense by the United States—for alleged tortious conduct arising out of the performance of that contract.

As set out in the Proposed Intervenor's motion to intervene, additional claims that do not sound in tort may exist between SVHC, Plaintiffs, and the Skull Valley Band of Goshute Tribe. Thus, the United States does not oppose the intervention in this case.

Likewise, the United States takes no position on Proposed Intervenor's motion to expedite the motion to intervene or in alternatively, to vacate or reset the December 20, 2022 hearing.

Dated this 13th day of December, 2022.

TRINA A. HIGGINS
United States Attorney

/s/ Jeffrey E. Nelson
JEFFREY E. NELSON
Assistant United States Attorney